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UNITED STATES OF AMERICA
Plaintiff - Respondent.

CASE NO. 97-Cr-076-DRD

V.S.

EX PARTE

Ramón Fernández Malave
Defendant - Petitioner.

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

Motion (18.U.S.C.) (3582) (EX 2)
Supreme Court

TO THE HONORABLE Court:

Now Comes; the Defendant - Petitioner, Ramón L. Fernández Malave (Pro-se), pursuant to 18.U.S.C § 3006A (C.J.A), request This Court appoint Counsel to prepare and file on his behalf, a Motion to vacate, Set aside or Correct Sentence pursuant. (18.U.S.C) (3582) (C)(2) for the following reasons: Supreme Court.

- 1- The Petitioner is unable to afford Counsel, and the issues involved in this case are complex;
- 2- The Petitioner, does not speak, read or write any English, has only a limited School education, and has not legal education;
- 3- The Petitioner is being housed in the State Correctional Complex, Known as "El Monumento Verde", in Penuelas, Puerto Rico at a Maximum Security Section (23 hours down), and is being denied "adequate assistance from persons trained in the law;"
- 4- the Petitioner is being denied access to the Court in that he does not have access to a constitutionally adequate law Law Library, which prevent him from access to Legal Materials from the Federal Jurisdiction needed for this purposes.

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II

- 5- The amount of crack was Sentence write the amount they put I was Sent To Life and Supreme Court have a new law that I am alle To Apply and that why I'm making this Motion to get help from a Counsel and I could act a dut To Court and take Care this Case. (18, USC) (3582) (C)(2).
- 6- The Constitutional right of access to the Courts. assures that prisoners have the tools they need in order to defend against Criminal charges. attack. their Convictions and Sentences (Directly) or Collaterally. and bring Civil rights Claims challenging the Conditions of their Confinement, See, e.g. Lewis v. Casey, 518 U.S. 343, 350-55, 116 S.Ct. 2174, 135 L. Ed 2d 606 (1996).
- 7- Appointment of Counsel is a valid means of fully Satisfying State's Constitutional obligation to provide prisoners with access to the Courts as required by Constitutional guarantees of equal protection and due process. U.S.C.A. Const. Amendments. 5, 14 See, also Borden v. Loughren, 386 F.3d 88. (2d Cir. 2004).
- 8- that in his Motion to Set aside his Conviction or to vacate his Sentence the Petitioner would alleges Some Apprendi/Blakely. error and that he was denied the effective assistance of Counsel guaranteed by the Sixth Amendment of the United States Constitution.
9. that in order to prove these claims, which if proven would. entitled the defendant-petitioner to the relief he seeks, he must. have access To the Court. Due to the reality of Puerto Rico Prisons. System, without the Assistance of Counsel the defendant-petitioner. will be precluded From. presenting to this Court his Motion to vacate;

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Set aside or correct Sentence, in violation of his "right to
 sue, and defend in the Courts." See e.g. Chambers v.
 Baltimore & Ohio R.R. Co., 207, U.S. 142, 148,
 28, S. Ct. 34, 52, L. Ed. 143 (1907).

WHEREFORE The Defendant-Petitioner's Motion for
 appointment of Counsel to prepare and file on
 his behalf a motion to vacate, Set aside
 or correct Sentence should be granted.
 Supreme Court (18 USC.) (35.82) (c)(2).

Respectfully Submitted,

Firma:

Ramon L. Fernandez Malave
Ramon L. Fernandez Malave

Institucion Maxima Seguridad

11 - Junio - 08.

Dated.

PO Box 900 AS #5021.

Penitencias PR 00624.

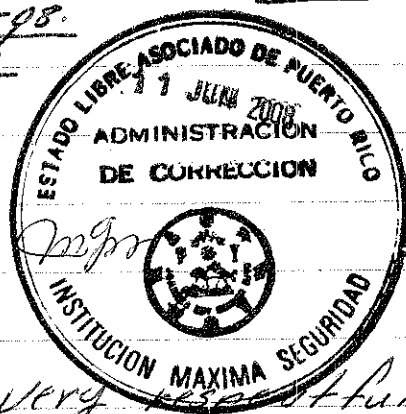
Certification

I, Ramon L. Fernandez Malave - pro-see Certify
 under penalty of perjury that all the foregoing
 is true and correct 28 USC. § 1746.

Firma: Ramon L. Fernandez Malave

11 - Junio - 08.

Dated.



Ramon L. Fernandez Malave

Institucion Maxima Seguridad

PO Box. 900 AS #5021

Penitencias PR. 00624.

I wish very respectfully that I get answer
 This Motion in Spanish be cause I don't
 Understand to much English Language...